



# Public Sector Legal News Update

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## Cases

### PLANNING

**Eatherley v Camden LBC.** [2016] EWHC 3108 (Admin). Queen's Bench Division (QBD). Cranston J. December 02, 2016

In a case concerning the grant of a lawful development certificate to a homeowner permitting him to excavate a basement underneath his terraced house in suburban London, the court construed the Town and Country Planning (General Permitted Development) (England) Order 2015 Sch.2 Pt 1 to determine whether the project, including the engineering aspect, fell within "enlargement, improvement or other alteration of a dwellinghouse" in Class A.

Application granted

## Legislation

### REAL PROPERTY

**Property Boundaries (Resolution of Disputes) Bill 2016 (HL Bill 19).**

A Bill to make provision for the resolution of disputes concerning the location or placement of the boundaries and private rights of way relating to the title of an estate in land; and for connected purposes.

[Read full text here](#)

Lords 1st Reading: 25/5/2016; 2nd Reading: 9/12/2016

## Regulatory Development

### IMMIGRATION

**Improving Mental Health Services in Immigration Detention: An Action Plan.** Issued by Department of Health; NHS England; Home Office. 1 December 2016

A joint action plan between the Department of Health, NHS England and the Home Office on improving mental health services in immigration detention considers the provision of mental health services and wider welfare issues for vulnerable adults in immigration removal centres and residential short term

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holding facilities in England. Proposals include: refurbishment of appropriate facilities; greater access to natural light and open air; and guidelines on safeguarding.

[Read full text here](#)

### News

#### LOCAL GOVERNMENT

**Local authority to set up £40m compensation fund for victims of abuse at children's home.** *Times*, 16 December 2016, 10. By Sean O'Neill. Also Reported in Independent, 16 December 2016 (Online edition); Guardian, 16 December 2016, 19; Daily Telegraph, 16 December 2016, 2

Lambeth London Borough Council has accepted legal liability for the harm suffered by hundreds of victims of paedophiles who preyed on the residents of the Shirley Oaks home in south London during the period between the 1950s and the 1980s. It has pledged to set up a £40 million fund to compensate victims, which it hopes to finalise with lawyers early in 2017, in a reparations model that could become a blueprint for other areas.

### Further Reading

#### LANDLORD AND TENANT

**The fundamentals of forfeiture.** *E.G. 2016, 1649, 70-71.* By Jonathan Seitler.

Provides a potted guide for property practitioners on the law relating to forfeiture of leases. Explains: the risks of, and prerequisites for, forfeiture; the circumstances in which a notice under the Law of Property Act 1925 s.146 is necessary; the conditions on the forfeiture of long residential leases; the waiver of the right to forfeit; the difference between "continuing" and "once and for all" breaches of covenant; relief from forfeiture; and the position of sub-tenants and mortgagees.

Cases referred: *Anders v Haralambous*~ [2013] EWHC 2676 (QB) (QBD); *Central Estates (Belgravia) Ltd v Woolgar (No.1)*~ [1972] 1 Q.B. 48 (CA (Civ Div)); *Freifeld v West Kensington Court Ltd*~ [2015] EWCA Civ 806; [2016] 1 P. & C.R. 5 (CA (Civ Div)); *Magnic Ltd v Ul-Hassan*~ [2015] EWCA Civ 224 (CA (Civ Div)); *Safin (Fursecroft) Ltd v Badrig's Estate*~ [2015] EWCA Civ 739; [2016] L. & T.R. 11 (CA (Civ Div)); *Telchadder v Wickland (Holdings) Ltd*~ [2014] UKSC 57; [2014] 1 W.L.R. 4004 (SC)  
Legislation referred: Law of Property Act 1925 s.146; Commonhold and Leasehold Reform Act 2002 s.167, s.168; County Courts Act 1984 s.138, s.139

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